

Message Text

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S E C R E T STATE 014689 TOSEC 010068

NODIS
FOR THE SECRETARY FROM WARREN CHRISTOPHER

E.O. 11652: GDS

TAGS: (OVIP) VANCE, CYRUS

SUBJECT: EVENING READING

FOLLOWING IS THE TEXT OF WEDNESDAY'S EVENING READING:

1. 200-MILE ZONE. YOU ASKED WHY WE CANNOT FOLLOW SENATOR MUSKIE'S INTERPRETATION THAT SECTION 311 OF THE CLEAN WATER ACT DOES NOT EXTEND U.S. JURISDICTION TO THE 200-MILE LIMIT OFFSHORE. THE PROBLEM IS THAT SOME SCHOLARS AND COMMENTATORS -- AND, MORE IMPORTANTLY, SOME FOREIGN NATIONS -- BELIEVE THAT THE LANGUAGE DOES EXTEND OUR JURISDICTION. EIGHT NATIONS HAVE ALREADY LODGED PROTESTS WITH US, AND OTHERS MAY TAKE THE MORE HARMFUL ACTION OF FOLLOWING WHAT THEY BELIEVE TO BE OUR PRECEDENT.

THE MEMORANDUM THAT MUSKIE AGREED TO SEND ME MAY ESTABLISH THE BASIS FOR THE INTERPRETATION WE WOULD WISH TO PLACE ON
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SECTION 311. BUT, GIVEN WHAT IS ALREADY ON THE RECORD, WE MAY FIND THAT SOME FORM OF NEW LEGISLATION IS NEEDED TO CORRECT THE IMPLICATION. IF IT IS, MUSKIE WILL BE THE KEY TO THE PROCESS.

2. EC TARIFF OFFER. YOUR EFFORTS AND THOSE OF BOB STRAUSS TO GET THE EC TO MOVE FORWARD ON THE MTN HAVE HAD SOME

SUCCESS. THE EC FOREIGN MINISTERS COUNCIL YESTERDAY DECIDED TO TABLE A TARIFF CUTTING OFFER IN GENEVA WHICH COMES CLOSE TO OUR GOAL OF 40 PERCENT. IN DEFERENCE TO THE FRENCH, THE REDUCTION IS EXPRESSED IN TERMS OF THE SWISS FORMULA AND NOT AS A SPECIFIC PERCENTAGE.

3. TONGSUN PARK DEVELOPMENTS. THE KOREANS HAVE REACTED FAVORABLY TO YOUR REMARKS TO THE EDITORS. YOUR LETTER TO PRESIDENT PARK WILL NOT ONLY IMPROVE THE PROSPECTS FOR FURTHER COOPERATION ON THE TONGSUN PARK PROBLEM, BUT WILL ALSO STIMULATE PARK'S DETERMINATION TO DO WHAT IS REQUIRED TO HELP REPAIR THE ROK-US RELATIONSHIP.

DESPITE LEON JAWORSKI'S CONTINUING COMPLAINTS, BOTH THE CONGRESS AND THE KOREANS SEEM TO BE SHOWING THE KIND OF REALISM WHICH WILL BE NECESSARY IF THE HOUSE AND SENATE ETHICS COMMITTEES ARE TO HAVE DIRECT ACCESS TO TONGSUN PARK. IF SUITABLE REASSURANCES ARE AVAILABLE, THE KOREANS MAY BE WILLING TO LOOK FAVORABLY UPON ARRANGEMENTS MADE "PRIVATELY" BY THE CONGRESS THROUGH PARK'S AMERICAN ATTORNEY FOR EXECUTIVE TESTIMONY BEFORE THE ETHICS COMMITTEES. WE HAVE BEEN TRYING TO MAINTAIN A CORRECTLY HELPFUL RELATIONSHIP WITH THE CONGRESSIONAL COMMITTEES, BUT AT THE SAME TIME SEEKING TO AVOID COMPLICATING THE JUSTICE DEPARTMENT'S PROGRAM.

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4. EXPULSION OF EMBASSY MOSCOW FIRST SECRETARY. OUR EMBASSY WAS INFORMED THIS MORNING THAT EMBASSY MOSCOW FIRST SECRETARY DONALD KURSCH MUST LEAVE MOSCOW WITHIN FORTY-EIGHT HOURS. WE HAD EARLIER WARNED THE SOVIETS THAT WE COULD NOT ACCEPT THIS ACTION SINCE OUR MAN WAS INNOCENT OF WRONGDOING. THEREFORE, THIS AFTERNOON WE INFORMED SOVIET MINISTER VASEV, THAT A COUNSELOR IN THE SOVIET EMBASSY TRADE OFFICER -- LIKE KURSCH, THEIR THIRD-RANKING COMMERCIAL OFFICIAL -- MUST LEAVE. WE HAVE MADE IT CLEAR TO THE SOVIETS THAT IF THEY ESCALATE FURTHER, WE WILL RESPOND FIRMLY, TAKING ACCOUNT OF THEIR ADVANTAGES IN RANKS AND NUMBERS OF EMPLOYEES. IN THE HOPE OF FORESTALLING FURTHER SOVIET MOVES AGAINST OUR DIPLOMATS IN MOSCOW, WE SHOWED VASEV A VIDEO TAPE (WITH SOUND) OF ESPIONAGE ACTIVITY BY SOVET EMBASSY TRADE OFFICE EMPLOYEE AVDYUNIN, WHOSE EXPULSION STARTED THIS SERIES OF ACTIONS. I LATER VIEWED THIS TAPE MYSELF AND IT ESTABLISHES THE SOVIET'S GUILT BEYOND QUESTION.

KURSCH'S EXPULSION WILL UNDOUBTEDLY BECOME PUBLIC KNOWLEDGE VERY SOON. IN OUR PRESS GUIDANCE WE ARE SAYING THAT

HE DID NOTHING WRONG; THAT HIS EXPULSION WAS IN RETALIATION FOR OUR EXPULSION OF A SOVIET INVOLVED IN IMPROPER AC-

TIVITIES AND WAS THEREFORE UNACCEPTABLE; AND THAT WE HAVE EXPELLED ANOTHER SOVIET AS A RESULT.

5. SOVIET SATELLITE. IN RESPONSE TO MY REQUEST YESTERDAY TO DOBRYNIN FOR CLARIFICATION OF THE SOVIET STATEMENT THAT THE DESCENDING SOVIET SATELLITE IS "EXPLOSIVE PROOF," DOBRYNIN TODAY PROVIDED AN UNINFORMATIVE REPLY WHICH SAID, IN EFFECT, THAT THEY ARE CONTINUING TO MONITOR THE SATELLITE IN ORDER TO FIX THE TIME AND PLACE OF REENTRY AND TO ESTIMATE THE PROBABILITY OF FRAGMENTS REACHING THE EARTH. THE SOVIETS PROMISED TO KEEP SECRET

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US INFORMED.

6. NAMIBIA. THE CONTACT GROUP, MEETING IN NEW YORK WITH REPRESENTATIVES OF FOREIGN OFFICES, HAS AGREED, SUBJECT TO APPROVAL FROM CAPITALS, TO PROPOSE THAT NEW YORK PROXIMITY TALKS IN FEBRUARY BE ELEVATED TO THE FOREIGN MINISTER LEVEL. CY AND DAVID OWEN HAVE AGREED IN PRINCIPLE THAT THE INVOLVEMENT OF THE WESTERN FOREIGN MINISTERS MIGHT PROVIDE THE NECESSARY INCENTIVE TO SOUTH AFRICA TO SEND BOTHA AND REFRAIN FROM AN ELECTION ANNOUNCEMENT IN THE INTERIM. SWAPO HAS ALREADY AGREED TO A MEETING IN FEBRUARY.

7. CSCE. IN A SURPRISE MOVE AT THE JANUARY 17 RESUMPTION OF THE BELGRADE MEETING, SOVIET AMBASSADOR VORONTSOV INTRODUCED A SHORT, FAIRLY GENERAL DRAFT CONCLUDING DOCUMENT. THE SOVIET DRAFT CONTAINS MAIN ELEMENTS OF MAJOR EASTERN PROPOSALS, WHILE IGNORING ALL MAIN WESTERN PROPOSALS AND ALL REFERENCES TO HUMAN RIGHTS, THOUGH ONE SENTENCE MENTIONS "READINESS TO CONTINUE THE EXPANSION OF COOPERATION IN HUMANITARIAN FIELDS..." THE ONLY "CONCESSION" WAS SOVIET ACCEPTANCE OF MADRID AS THE SITE FOR THE NEXT CSCE FOLLOW-UP CONFERENCE WHICH THE RUSSIANS WOULD SCHEDULE FOR NOVEMBER 1980. (WE SUPPORT THE MADRID SITE AND THINK A MEETING IN EARLY 1980 IS DESIRABLE, ALTHOUGH LATE 1980, AFTER THE ELECTION, WOULD ALSO APPEAR ACCEPTABLE.) ARTHUR GOLDBERG AND OTHER WESTERN SPEAKERS CALLED FOR A MORE SUBSTANTIVE, BALANCED CONCLUDING DOCUMENT, CONTAINING AN HONEST REPORT ON THE REVIEW OF IMPLEMENTATION AND APPROPRIATE REFERENCES TO HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. HOWEVER, IF A STALEMATE DEVELOPS AND CONTINUES BEYOND MID-FEBRUARY, IT MAY BECOME NECESSARY TO SETTLE FOR A SHORT, FACTUAL SECRET

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COMMUNIQUE-LIKE DOCUMENT. CHRISTOPHER

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